IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI,THE ACTING CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE G.CHANDRAIAH

WRIT PETITION NO : 8451 of 2005

Between:

Smt. Shahnaz Bano, W/o. Late Mohd. Yousud Jowher,
R/o. H.No. 6-11-20/1D, 2nd Floor, Saleemnagar, Hyderabad.

..... PETITIONER

AND

1 The Superintendent, Post Offices, Bidar Division, Bidar - 585401. Karnataka State.
2 The Post Master, Humnabad, Bidar District, Karnataka State.
3 The Union of India, Ministry of Telecommunication, New Delhi.
4 The District Collector, Bidar District at Bidar, Karnataka State.
5 Post Master, General of Karnataka At Bangalore,
Karanataka State.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue an Order, direction, or a writ, more particularly one in the nature of Writ of Mandamus to call for the records and remarks from the Respondents herein relating to the family pension of her husband, who was working as post master at Humnabad and who died on 04-06-2004 and also directing the Respondents herein to enquire into the incident for asking her to produce death certificate of Smt. Azmathunissa Gouhar 2nd wife of the late Mohd Yousud Jowher, who too died on 14-10-2001 at Ahmedabad, and the officials of grave yard could not maintain her burial record and asked her to accept Affidavit cum Indemnity Bond or certificate of any gazetted

officer and (1) direct the respondent herein to release her pension and to pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:TELEGRAM

Counsel for the Respondents : MR.A.RAJASHEKAR REDDY (ASST SOLICITOR GEN)

The Court made the following :

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ORAL ORDER: (per the Hon'ble Sri Bilal Nazki, ACJ)

This writ petition was entertained on the basis of a letter received from one Shahnaz Bano stating that her husband retired as Postmaster of Humnabad, Bidar District and died on 4.6.2004. She applied for Family Pension on 14.12.2004. The postal authorities demanded Death Certificate of Azmathunnisa Gouhar, the second wife of her husband who died on 14.10.2001. She expressed her inability to produce the Certificate because she could not obtain the same. The lady was a permanent resident of Hyderabad. Since she was bed ridden in her last years of life, she was shifted to Ahmedabad in Gujarat as her son had been transferred from Hyderabad. It is not possible for her to get the Certificate from Ahmedabad as her son also stated that no Certificate of death was obtained when she died. The grave yard where she was buried has not maintained any burial records. Therefore, she stated that she

would give an indemnity bond to the effect that if it was proved that the 2nd respondent-wife had not died on 14.10.2001, she would refund the amount. She also requested that till the matter is decided at least she should be paid 50%.

In the counter affidavit, it has been stated that 50% of Pension is already sanctioned and remaining 50% of the amount could not be sanctioned since the Certificate of the death of the 2nd wife of the petitioner's husband was not filed.

In the circumstances which have been mentioned by the petitioner in the application to this Court and in the application to the respondents, we feel it appropriate to direct the respondents to sanction the rest of the 50% of the pension in favour of the petitioner on her executing an indemnity bond. The petitioner shall also furnish the address of the sons of the second wife, Azmathunnisa Gouhar to the respondents who shall enquire from him about the death of his mother.

The writ petition is disposed of accordingly. No costs.

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BILAL NAZKI, ACJ

DATE: 29th June, 2005

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G.CHANDRAIAH ,J

Pnb

To

1 The Superintendent, Post Offices, Bidar Division, Bidar - 585401. Karnataka State.
2 The Post Master, Humnabad, Bidar District, Karnataka State.
3 The Union of India, Ministry of Telecommunication, New Delhi.
4 The District Collector, Bidar District at Bidar, Karnataka State.
5 Post Master General of Karnataka At Bangalore,
Karanataka State.

6 Two C.D. copies